

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

EVAN PROCHNIAK AND
JAIME PROCHNIAK,

Debtors.

:
: Case No. 18-12486-mdc

:
: Chapter 11

**STIPULATION GRANTING RELIEF FROM THE AUTOMATIC STAY
TO SECURED CREDITOR CRE/ADC VENTURE 2013-1, LLC, AND ITS
SUCCESSORS OR ASSIGNS, TO EXECUTE UPON JUDGMENT AND SCHEDULE
SHERIFF'S SALE OF REAL PROPERTY LOCATED IN DELAWARE COUNTY**

This stipulation (the "Stipulation") is entered into by and among CRE/ADC Venture 2013-1, LLC, and its successors or assigns (the "Creditor"), and Evan Prochniak and Jamie Prochniak (the "Debtors" and together with the Creditor, the "Parties"). The Parties hereby stipulate and consent as follows:

RECITALS

WHEREAS, on April 13, 2018 (the "Petition Date"), the Debtors commenced a voluntary case under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania;

WHEREAS, on June 21, 2018, the Creditor filed a Motion for Relief from the Automatic Stay to Execute upon Judgment and Schedule Sheriff's Sale of Real Property Located in Delaware County (D.I. 58) (the "Stay Relief Motion");

WHEREAS, on August 10, 2018, the Debtors filed their response to the Stay Relief Motion (D.I. 66);

WHEREAS, a hearing is scheduled on Creditor's Stay Relief Motion for September 26, 2018 at 11:00 a.m.; and

WHEREAS, the Debtors have consented to the Creditor obtaining relief from the automatic stay pursuant to 11 U.S.C. § 362, subject to approval of this Court, to allow the Creditor


to execute upon a judgment and schedule and conduct a Sheriff's sale of real property located in Delaware County, Pennsylvania.

STIPULATION

NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES AND, UPON COURT APPROVAL HEREOF, IT SHALL BE ORDERED THAT:

1. The Creditor is hereby granted relief from the automatic stay imposed by section 362(a) of the Bankruptcy Code to allow Creditor to execute upon that certain judgment entered by the Prothonotary of the Court of Common Pleas of Delaware County, Pennsylvania, in case number cv-2018-001505, including to schedule a Sheriff's sale of Debtor's interest in real property located at 7 South Morton Avenue, Morton, PA 19070, provided that such Sheriff's sale shall not occur until after January 1, 2019.
2. The automatic stay shall otherwise remain in full effect.
3. This Court shall retain jurisdiction to hear and determinate all matters arising from or related to the implementation and enforcement of this Stipulation.

STIPULATED AND AGREED THIS 25th DAY OF SEPTEMBER, 2018


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